

## Environmental Protection Agency

## § 63.8698

permit requirements to the permit authority.

(f) If acceptable to both the Administrator and you, you may submit reports and notifications electronically.

### § 63.8694 What records must I keep?

(a) You must keep the following records:

(1) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirements in § 63.10(b)(2)(xiv).

(2) The records in § 63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction.

(3) Records of performance tests, performance evaluations, and opacity and visible emission observations as required in § 63.10(b)(2)(viii).

(b) You must keep the records in § 63.6(h)(6) for visible emission observations.

(c) You must keep the records required in Table 5 to this subpart to show continuous compliance with each operating limit that applies to you.

(d) Records of any shared equipment determinations as specified in § 63.8682(b).

### § 63.8695 In what form and how long must I keep my records?

(a) Your records must be in a form suitable and readily available for expeditious review, according to § 63.10(b)(1).

(b) As specified in § 63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) You must keep each record on site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to § 63.10(b)(1). You can keep the records offsite for the remaining 3 years.

## OTHER REQUIREMENTS AND INFORMATION

### § 63.8696 What parts of the General Provisions apply to me?

Table 7 to this subpart shows which parts of the General Provisions in §§ 63.1 through 63.15 apply to you.

### § 63.8697 Who implements and enforces this subpart?

(a) This subpart can be implemented and enforced by us, the U.S. Environmental Protection Agency (U.S. EPA), or a delegated authority such as your State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to your State, local, or tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. You should contact your U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under 40 CFR part 63, subpart E, the following authorities are retained by the Administrator of U.S. EPA:

(1) Approval of alternatives to the requirements in §§ 63.8681, 63.8682, 63.8683, 63.8684(a) through (c), 63.8686, 63.8687, 63.8688, 63.8689, 63.8690, and 63.8691.

(2) Approval of major changes to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90.

(3) Approval of major changes to monitoring under § 63.8(f) and as defined in § 63.90.

(4) Approval of major changes to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

### § 63.8698 What definitions apply to this subpart?

Terms used in this subpart are defined in the Clean Air Act, in 40 CFR 63.2, the General Provisions of this part, and in this section as follows:

*Adhesive applicator* means the equipment used to apply adhesive to roofing shingles for producing laminated or dimensional roofing shingles.

*Asphalt flux* means the organic residual material from distillation of crude oil that is generally used in asphalt roofing manufacturing and paving and non-paving asphalt products.

*Asphalt loading rack* means the equipment at an asphalt processing facility used to transfer oxidized asphalt from a storage tank into a tank truck, rail car, or barge.

*Asphalt processing facility* means any facility engaged in the preparation of asphalt flux at stand-alone asphalt processing facilities, petroleum refineries, and asphalt roofing facilities. Asphalt preparation, called “blowing,” is the oxidation of asphalt flux, achieved by bubbling air through the heated asphalt, to raise the softening point and to reduce penetration of the oxidized asphalt. An asphalt processing facility includes one or more asphalt flux blowing stills, asphalt flux storage tanks storing asphalt flux intended for processing in the blowing stills, oxidized asphalt storage tanks, and oxidized asphalt loading racks.

*Asphalt roofing manufacturing facility* means a facility consisting of one or more asphalt roofing manufacturing lines.

*Asphalt roofing manufacturing line* means the collection of equipment used to manufacture asphalt roofing products through a series of sequential process steps. The equipment that comprises an asphalt roofing manufacturing line varies depending on the type of substrate used (*i.e.*, organic or inorganic) and the final product manufactured (*e.g.*, roll roofing, laminated shingles). For example, an asphalt roofing manufacturing line that uses fiberglass mat as a substrate typically would not include a saturator/wet looper (or the saturator/wet looper could be bypassed if the line manufacturers multiple types of products). An asphalt roofing manufacturing line can include a saturator (including wet looper), coater, coating mixers, sealant applicators, adhesive applicators, and asphalt storage and process tanks. The number of asphalt roofing manufacturing lines at a particular facility is determined by the number of saturators (or coaters) operated in parallel. For example, an asphalt roofing manufacturing facility with two saturators (or coaters) operating in parallel would be considered to have two separate roofing manufacturing lines.

*Asphalt storage tank* means any tank used to store asphalt flux, oxidized as-

phalt, and modified asphalt, at asphalt roofing manufacturing facilities, petroleum refineries, and asphalt processing facilities. Storage tanks containing cutback asphalts (asphalts diluted with solvents to reduce viscosity for low temperature applications) and emulsified asphalts (asphalts dispersed in water with an emulsifying agent) are not subject to this subpart.

*Blowing still* means the equipment in which air is blown through asphalt flux to change the softening point and penetration rate of the asphalt flux, creating oxidized asphalt.

*Boiler* means any enclosed combustion device that extracts useful energy in the form of steam and is not an incinerator.

*Coater* means the equipment used to apply amended (filled or modified) asphalt to the top and bottom of the substrate (typically fiberglass mat) used to manufacture shingles and rolled roofing products.

*Coating mixer* means the equipment used to mix coating asphalt and a mineral stabilizer, prior to applying the stabilized coating asphalt to the substrate.

*Combustion device* means an individual unit of equipment such as a flare, incinerator, process heater, or boiler used for the combustion of organic hazardous air pollutant vapors.

*Deviation* means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

- (1) Fails to meet any requirement or obligation established by this subpart including, but not limited to, any emission limitation (including any operating limit), or work practice standard;
- (2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart, and that is included in the operating permit for any affected source required to obtain such a permit; or
- (3) Fails to meet any emission limitation (including any operating limit) or work practice standard in this subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by this subpart.

*Emission limitation* means any emission limit, opacity limit, operating limit, or visible emission limit.

*Group 1 asphalt loading rack* means an asphalt loading rack that loads asphalt with a maximum temperature of 260 °C (500 °F) or greater and has a maximum true vapor pressure of 10.4 kiloPascals (kPa) (1.5 pounds per square inch absolute (psia)) or greater.

*Group 2 asphalt loading rack* means an asphalt loading rack that is not a Group 1 asphalt loading rack.

*Group 1 asphalt storage tank* means an asphalt storage tank that meets both of the following criteria:

(1) Has a capacity of 177 cubic meters (47,000 gallons) of asphalt or greater; and

(2) Stores asphalt at a maximum temperature of 260 °C (500 °F) or greater and has a maximum true vapor pressure of 10.4 kPa (1.5 psia) or greater.

*Group 2 asphalt storage tank* means any asphalt storage tank with a capacity of 1.93 megagrams (Mg) of asphalt or greater that is not a Group 1 asphalt storage tank.

*Incinerator* means an enclosed combustion device that is used for destroying organic compounds. Auxiliary fuel may be used to heat waste gas to combustion temperatures. Any energy recovery section present is not physically formed into one manufactured or assembled unit with the combustion section; rather, the energy recovery section is a separate section following the combustion section and the two are joined by ducts or connections carrying flue gas.

*Maximum true vapor pressure* means the equilibrium partial pressure exerted by the stored asphalt at its maximum storage temperature.

*Modified asphalt* means asphalt that has been mixed with polymer modifiers.

*Oxidized asphalt* means asphalt that has been prepared by passing air through liquid asphalt flux in a blowing still.

*Process heater* means an enclosed combustion device that primarily transfers heat liberated by burning fuel directly to process streams or to heat transfer liquids other than water.

*Research and development equipment* means any equipment whose primary purpose is to conduct research and development to develop new processes and products, where such equipment is operated under the close supervision of technically trained personnel and is not engaged in the manufacture of products for commercial sale in commerce, except in a *de minimis* manner.

*Responsible official* means responsible official as defined in 40 CFR 70.2.

*Saturator* means the equipment in which substrate (predominantly organic felt) is filled with asphalt. Saturators are predominantly used for the manufacture of saturated felt products. The term saturator includes the saturator and wet looper.

*Sealant applicator* means the equipment used to apply a sealant strip to a roofing product. The sealant strip is used to seal overlapping pieces of roofing product after they have been applied.

*Work practice standard* means any design, equipment, work practice, or operational standard, or combination thereof, that is promulgated pursuant to section 112(h) of the Clean Air Act.

[68 FR 24577, May 7, 2003, as amended at 70 FR 28364, May 17, 2005]

TABLE 1 TO SUBPART LLLLL OF PART 63—EMISSION LIMITATIONS

For—	You must meet the following emission limitation—
1. Each blowing still, Group 1 asphalt loading rack, and Group 1 asphalt storage tank at existing, new, and reconstructed asphalt processing facilities; and each Group 1 asphalt storage tank at existing, new, and reconstructed roofing manufacturing lines; and each coating mixer, saturator (including wet loopers), coater, sealant applicator, adhesive applicator, and Group 1 asphalt storage tank at new and reconstructed asphalt roofing manufacturing lines.	<ul style="list-style-type: none"> <li>a. Reduce total hydrocarbon mass emissions by 95 percent, or to a concentration of 20 ppmv, on a dry basis corrected to 3 percent oxygen;</li> <li>b. Route the emissions to a combustion device achieving a combustion efficiency of 99.5 percent;</li> <li>c. Route the emissions to a combustion device that does not use auxiliary fuel achieving a total hydrocarbon (THC) destruction efficiency of 95.8 percent;</li> <li>d. Route the emissions to a boiler or process heater with a design heat input capacity of 44 megawatts (MW) or greater;</li> <li>e. Introduce the emissions into the flame zone of a boiler or process heater; or</li> <li>f. Route emissions to a flare meeting the requirements of § 63.11(b).</li> </ul>
2. The total emissions from the coating mixer, saturator (including wet loopers), coater, sealant applicator, and adhesive applicator at each existing asphalt roofing manufacturing line. <sup>a</sup>	<ul style="list-style-type: none"> <li>a. Limit particulate matter emissions to 0.04 kilograms emissions per megagram (kg/Mg) (0.08 pounds per ton, lb/ton) of asphalt shingle or mineral-surfaced roll roofing produced; or</li> <li>b. Limit particulate matter emissions to 0.4 kg/Mg (0.8 lb/ton) of saturated felt or smooth-surfaced roll roofing produced.</li> </ul>
3. Each saturator (including wet loopers) and coater at existing, new, and reconstructed asphalt roofing manufacturing lines. <sup>a</sup>	<ul style="list-style-type: none"> <li>a. Limit exhaust gases to 20 percent opacity; and</li> <li>b. Limit visible emissions from the emission capture system to 20 percent of any period of consecutive valid observations totaling 60 minutes.</li> </ul>
4. Each Group 2 asphalt storage tank at existing, new, and reconstructed asphalt processing facility and asphalt roofing manufacturing lines. <sup>a</sup>	Limit exhaust gases to 0 percent opacity. <sup>b</sup>

<sup>a</sup> As an alternative to meeting the particulate matter and opacity limits, these emission sources may comply with the THC percent reduction or combustion efficiency standards.

<sup>b</sup> The opacity limit can be exceeded for on consecutive 15-minute period in any 24-hour period when the storage tank transfer lines are being cleared. During this 15-minute period, the control device must not be bypassed. If the emissions from the asphalt storage tank are ducted to the saturator control device, the combined emissions from the saturator and storage tank must meet the 20 percent opacity limit (specified in 4.a of table 1) during this 15-minute period. At any other time, the opacity limit applies to Group 2 asphalt storage tanks.

TABLE 2 TO SUBPART LLLLL OF PART 63—OPERATING LIMITS

For—	You must <sup>a</sup>
1. Non-flare combustion devices with a design heat input capacity less than 44 MW or where the emissions are not introduced into the flame zone.	Maintain the 3-hour average <sup>b</sup> combustion zone temperature at or above the operating limit established during the performance test.
2. Flares .....	Meet the operating requirements specified in § 63.11(b).
3. Control devices used to comply with the particulate matter standards.	<ul style="list-style-type: none"> <li>a. Maintain the 3-hour average<sup>b</sup> inlet gas temperature at or below the operating limit established during the performance test; and</li> <li>b. Maintain the 3-hour average<sup>b</sup> pressure drop across the device<sup>c</sup> at or below the operating limit established during the performance test.</li> </ul>
4. Control devices other than combustion devices or devices used to comply with the particulate matter emission standards.	Maintain the approved monitoring parameters within the operating limits established during the performance test.

<sup>a</sup> The operating limits specified in Table 2 are applicable if you are monitoring control device operating parameters to demonstrate continuous compliance. If you are using a CEMS or COMS, you must maintain emissions below the value established during the initial performance test.

<sup>b</sup> A 15-minute averaging period can be used as an alternative to the 3-hour averaging period for this parameter.

<sup>c</sup> As an alternative to monitoring the pressure drop across the control device, owners or operators using an ESP to achieve compliance with the emission limits specified in Table 1 of this subpart can monitor the voltage to the ESP. If this option is selected, the ESP voltage must be maintained at or above the operating limit established during the performance test.

Environmental Protection Agency

Pt. 63, Subpt. LLLLL, Table 3

TABLE 3 TO SUBPART LLLLL OF PART 63—REQUIREMENTS FOR PERFORMANCE TESTS<sup>A,B</sup>

For—	You must—	Using—	According to the following requirements—
1. All particulate matter, total hydrocarbon, carbon monoxide, and carbon dioxide emission tests.	a. Select sampling port's location and the number of traverse points.	i. EPA test method 1 or 1A in appendix A to part 60 of this chapter.	A. For demonstrating compliance with the total hydrocarbon percent reduction standard, the sampling sites must be located at the inlet and outlet of the control device and prior to any releases to the atmosphere. B. For demonstrating compliance with the particulate matter mass emission rate, THC destruction efficiency, THC outlet concentration, or combustion efficiency standards, the sampling sites must be located at the outlet of the control device and prior to any releases to the atmosphere.
2. All particulate matter and total hydrocarbon tests.	Determine velocity and volumetric flow rate.	EPA test method 2, 2A, 2C, 2D, 2F, or 2G, as appropriate, in appendix A to part 60 of this chapter.	
3. All particulate matter and total hydrocarbon tests.	Determine the gas molecular weight used for flow rate determination.	EPA test method 3, 3A, 3B, as appropriate, in appendix A to part 60 of this chapter.	
4. All particulate matter, total hydrocarbon, carbon monoxide, and carbon dioxide emission tests.	Measure moisture content of the stack gas.	EPA test method 4 in appendix A to part 60 of this chapter.	
5. All particulate matter emission tests.	Measure the asphalt processing rate or the asphalt roofing manufacturing rate and the asphalt content of the product manufactured, as appropriate.		
6. Each control device used to comply with the particulate matter emission standards.	Measure the concentration of particulate matter.	EPA test method 5A in appendix A to part 60 of this chapter.	For demonstrating compliance with the particulate matter standard, the performance tests must be conducted under normal operating conditions and while manufacturing the roofing product that is expected to result in the greatest amount of hazardous air pollutant emissions.
7. All opacity tests .....	Conduct opacity observations.	EPA test method 9 in appendix A to part 60 of this chapter.	Conduct opacity observations for at least 3 hours and obtain 30, 6-minute averages.
8. All visible emission tests.	Conduct visible emission observations.	EPA test method 22 in appendix A to part 60 of this chapter.	Modify EPA test method 22 such that readings are recorded every 15 seconds for a period of consecutive observations totaling 60 minutes.
9. Each combustion device used to comply with the combustion efficiency or THC standards.	a. Measure the concentration of carbon dioxide. b. Measure the concentration of carbon monoxide. c. Measure the concentration of total hydrocarbons.	EPA test method 3A in appendix A to part 60 of this chapter. EPA test method 10 in appendix A to part 60 of this chapter. EPA test method 25A in appendix A to part 60 of this chapter.	
10. Each control device used to comply with the THC reduction efficiency or outlet concentration standards.	Measure the concentration of total hydrocarbons.	EPA test method 25A in appendix A to part 60 of this chapter.	

Pt. 63, Subpt. LLLLL, Table 4

40 CFR Ch. I (7–1–06 Edition)

For—	You must—	Using—	According to the following requirements—
11. Each combustion device.	Establish a site-specific combustion zone temperature limit.	Data from the CPMS and the applicable performance test method(s).	You must collect combustion zone temperature data every 15 minutes during the entire period of the initial 3-hour performance test, and determine the average combustion zone temperature over the 3-hour performance test by computing the average of all of the 15-minute readings.
12. Each control device used to comply with the particulate matter emission standards.	Establish a site-specific inlet gas temperature limit; and establish a site-specific limit for the pressure drop across the device.	Data from the CPMS and the applicable performance test method(s).	You must collect the inlet gas temperature and pressure drop <sup>b</sup> data every 15 minutes during the entire period of the initial 3-hour performance test, and determine the average inlet gas temperature and pressure drop <sup>c</sup> over the 3-hour performance test by computing the average of all of the 15-minute readings.
13. Each control device other than a combustion device or device used to comply with the particulate matter emission standards.	Establish site-specific monitoring parameters.	Process data and data from the CPMS and the applicable performance test method(s).	You must collect monitoring parameter data every 15 minutes during the entire period of the initial 3-hour performance test, and determine the average monitoring parameter values over the 3-hour performance test by computing the average of all of the 15-minute readings.
14. Each flare used to comply with the THC percent reduction or PM emission limits.	Assure that the flare is operated and maintained in conformance with its design.	The requirements of § 63.11(b).	

<sup>a</sup> As specified in § 63.8687(e), you may request that data from a previously-conducted emission test serve as documentation of conformance with the emission standards and operating limits of this subpart.

<sup>b</sup> Performance tests are not required if: (1) The emissions are routed to a boiler or process heater with a design heat input capacity of 44 MW or greater; or (2) the emissions are introduced into the flame zone of a boiler or process heater.

<sup>c</sup> As an alternative to monitoring the pressure drop across the control device, owners or operators using an ESP to achieve compliance with the emission limits specified in Table 1 of this subpart can monitor the voltage to the ESP.

TABLE 4 TO SUBPART LLLLL OF PART 63—INITIAL COMPLIANCE WITH EMISSION LIMITATIONS

For—	For the following emission limitation—	You have demonstrated initial compliance if—
1. Each blowing still, Group 1 asphalt loading rack, and Group 1 asphalt storage tank, at existing, new, and reconstructed asphalt processing facilities.	<p>a. Reduce total hydrocarbon mass emissions by 95 percent or to a concentration of 20 ppmv, on a dry basis corrected to 3 percent oxygen.</p> <p>b. Route the emissions to a combustion device achieving a combustion efficiency of 99.5 percent.</p> <p>c. Route the emissions to a combustion device that does not use auxiliary fuel achieving a THC destruction efficiency of 95.8 percent.</p> <p>d. Route emissions to a boiler or process heater with a design heat input capacity of 44 MW or greater.</p>	<p>i. The total hydrocarbon emissions, determined using the equations in § 63.8687 and the test methods and procedures in Table 3 to this subpart, over the period of the performance test are reduced by at least 95 percent by weight or to a concentration of 20 ppmv, on a dry basis corrected to 3 percent oxygen; and</p> <p>ii. You have a record of the average control device operating parameters<sup>a</sup> over the performance test during which emissions were reduced according to 1.a.i. of this table.</p> <p>i. The combustion efficiency of the combustion device, determined using the equations in § 63.8687 and the test methods and procedures in Table 3 to this subpart, over the period of the performance test is at least 99.5 percent; and</p> <p>ii. You have a record of the average combustion zone temperature<sup>a</sup> and carbon monoxide, carbon dioxide, and total hydrocarbon outlet concentrations over the performance test during which the combustion efficiency was at least 99.5 percent.</p> <p>i. The THC destruction efficiency of the combustion device, determined using the equations in § 63.8687 and the test methods and procedures in Table 3 to this subpart, over the period of the performance test is at least 95.8 percent; and</p> <p>ii. You have a record of the average combustion zone temperature<sup>a</sup> and carbon monoxide, carbon dioxide, and total hydrocarbon outlet concentrations over the performance test during which the THC destruction efficiency was at least 95.8 percent.</p> <p>You have a record of the boiler or process heater design heat capacity.</p>

Environmental Protection Agency

Pt. 63, Subpt. LLLLL, Table 4

For—	For the following emission limitation—	You have demonstrated initial compliance if—
2. Each coating mixer, saturator (including wet looper), coater, sealant applicator, adhesive applicator, and Group 1 asphalt storage tank at new and reconstructed asphalt roofing manufacturing lines.	<p>e. Introduce the emissions into the flame zone of a boiler or process heater.</p> <p>f. Route emissions to a flare meeting the requirements of § 63.11(b).</p> <p>a. Reduce total hydrocarbon mass emissions by 95 percent or to a concentration of 20 ppmv, on a dry basis corrected to 3 percent oxygen.</p> <p>b. Route the emissions to a combustion device achieving a combustion efficiency of 99.5 percent.</p> <p>c. Route the emissions to a combustion device that does not use auxiliary fuel achieving a THC destruction efficiency of 95.8 percent.</p> <p>d. Route emissions to a boiler or process heater with a design heat input capacity of 44 MW or greater.</p> <p>e. Introduce the emissions into the flame zone of a boiler or process heater.</p> <p>f. Route emissions to a flare meeting the requirements of § 63.11(b).</p>	<p>You have a record that shows the emissions are being introduced into the boiler or process heater flame zone.</p> <p>You have a record of the flare design and operating requirements.</p> <p>See 1.a.i. and ii. of this table.</p> <p>See 1.b.i. and ii. of this table.</p> <p>See 1.c.i. and ii. of this table.</p> <p>See 1.d. of this table.</p> <p>See 1.e. of this table.</p> <p>See 1.f. of this table.</p>
3. The total emissions from the coating mixer, saturator (including wet looper), coater, sealant applicator, and adhesive applicator at each existing asphalt roofing manufacturing line.	<p>a. Limit PM emissions to 0.04 kg/Mg (0.08 lb/ton) of asphalt shingle or mineral-surfaced roll roofing produced.</p> <p>b. Limit PM emissions to 0.4 kg/Mg (0.8 lb/ton) of saturated felt or smooth-surfaced roll roofing produced.</p>	<p>i. The PM emissions, determined using the equations in § 63.8687 and the test methods and procedures in Table 3 to this subpart, over the period of the performance test are no greater than the applicable emission limitation; and</p> <p>ii. You have a record of the average control device<sup>a</sup> or process parameters over the performance test during which the particulate matter emissions were no greater than the applicable emission limitation.</p> <p>See 3.a.i. and ii. of this table.</p>
4. Each saturator (including wet looper) and coater at an existing, new, or reconstructed asphalt roofing manufacturing line.	<p>a. Limit visible emissions from the emissions capture system to 20 percent of any period of consecutive valid observations totaling 60 minutes.</p> <p>b. Limit opacity emissions to 20 percent.</p>	<p>The visible emissions, measured using EPA test method 22, for any period of consecutive valid observations totaling 60 minutes during the initial compliance period described in § 63.8686(b) do not exceed 20 percent.</p> <p>The opacity, measured using EPA test method 9, for each of the first 30 6-minute averages during the initial compliance period described in § 63.8686(b) does not exceed 20 percent.</p>
5. Each Group 2 asphalt storage tank at existing, new, and reconstructed asphalt processing facilities and asphalt roofing manufacturing lines.	Limit exhaust gases to 0 percent opacity.	The opacity, measured using EPA test method 9, for each of the first 30 6-minute averages during the initial compliance period described in § 63.8686(b) does not exceed 0 percent.

<sup>a</sup> If you use a CEMS or COMS to demonstrate compliance with the emission limits, you are not required to record control device operating parameters.

TABLE 5 TO SUBPART LLLLL OF PART 63—CONTINUOUS COMPLIANCE WITH OPERATING LIMITS <sup>A</sup>

For—	For the following operating limit—	You must demonstrate continuous compliance by—
1. Each non-flare combustion device. <sup>b</sup>	a. Maintain the 3-hour <sup>c</sup> average combustion zone temperature at or above the operating limit establishing during the performance test.	i. Passing the emissions through the control device; and ii. Collecting the combustion zone temperature data according to § 63.8688(b); and iii. Reducing combustion zone temperature data to 3-hour <sup>c</sup> averages according to calculations in Table 3 to this subpart; and iv. Maintaining the 3-hour <sup>c</sup> average combustion zone temperature within the level established during the performance test.
2. Each flare .....	Meet the operating requirements specified in § 63.11(b).	The flare pilot light must be present at all times and the flare must be operating at all times that emissions may be vented to it.
3. Control devices used to comply with the particulate matter emission standards.	a. Maintain the 3-hour <sup>c</sup> average inlet gas temperature and pressure drop across device <sup>d</sup> at or below the operating limits established during the performance test.	i. Passing the emissions through the control device; and ii. Collecting the inlet gas temperature and pressure drop <sup>d</sup> data according to § 63.8688 (b) and (c); and iii. Reducing inlet gas temperature and pressure drop <sup>d</sup> data to 3-hour <sup>c</sup> averages according to calculations in Table 3 to this subpart; and iv. Maintaining the 3-hour <sup>c</sup> average inlet gas temperature and pressure drop <sup>d</sup> within the level established during the performance test.
4. Control devices other than combustion devices or devices used to comply with the particulate matter emission.	a. Maintain the monitoring parameters within the operating limits established during the performance test.	i. Passing the emissions through the devices; ii. Collecting the monitoring parameter data according to § 63.8688(d); and iii. Reducing the monitoring parameter data to 3-hour <sup>c</sup> averages according to calculations in Table 3 to this subpart; and iv. Maintaining the monitoring parameters within the level established during the performance test.

<sup>A</sup>The operating limits specified in Table 2 and the requirements specified in Table 5 are applicable if you are monitoring control device operating parameters to demonstrate continuous compliance. If you use a CEMS or COMS to demonstrate compliance with the emission limits, you are not required to record control device operating parameters. However, you must maintain emissions below the value established during the initial performance test. Data from the CEMS and COMS must be reduced as specified in § 63.8(g).

<sup>B</sup>Continuous parameter monitoring is not required if (1) the emissions are routed to a boiler or process heater with a design heat input capacity of 44 MW or greater; or (2) the emissions are introduced into the flame zone of a boiler or process heater.

<sup>C</sup>A 15-minute averaging period can be used as an alternative to the 3-hour averaging period for this parameter.

<sup>D</sup>As an alternative to monitoring the pressure drop across the control device, owners or operators using an ESP to achieve compliance with the emission limits specified in Table 1 of this subpart can monitor the voltage to the ESP. If this option is selected, the ESP voltage must be maintained at or above the operating limit established during the performance test.

[68 FR 24577, May 7, 2003, as amended at 70 FR 28365, May 17, 2005]

TABLE 6 TO SUBPART LLLLL OF PART 63—REQUIREMENTS FOR REPORTS

You must submit—	The report must contain—	You must submit the report—
1. An initial notification .....	The information in § 63.9(b) .....	According to the requirements in § 63.9(b).
2. A notification of performance test ..	A written notification of the intent to conduct a performance test.	At least 60 calendar days before the performance test is scheduled to begin, as required in § 63.9(e).
3. A notification of opacity and visible emission observations.	A written notification of the intent to conduct opacity and visible emission observations.	According to the requirements in § 63.9(f).
4. Notification of compliance status ....	The information in § 63.9(h)(2) through (5), as applicable.	According to the requirements in § 63.9(h)(2) through (5), as applicable.
5. A compliance report .....	a. A statement that there were no deviations from the emission limitations during the reporting period, if there are no deviations from any emission limitations (emission limit, operating limit, opacity limit, and visible emission limit) that apply to you. b. If there were no periods during which the CPMS, CEMS, or COMS was out-of-control as specified in § 63.8(c)(7), a statement that there were no periods during which the CPMS, CEMS, or COMS was out-of-control during the reporting period.	Semiannually according to the requirements in § 63.8693(b).  Semiannually according to the requirements in § 63.8693(b).



Environmental Protection Agency

Pt. 63, Subpt. LLLLL, Table 7

You must submit—	The report must contain—	You must submit the report—
	<p>c. If you have a deviation from any emission limitation (emission limit, operating limit, opacity limit, and visible emission limit), the report must contain the information in § 63.8693(c). If there were periods during which the CPMS, CEMS, or COMS was out-of-control, as specified in § 63.8(c)(7), the report must contain the information in § 63.8693(d).</p> <p>d. If you had a startup, shutdown or malfunction during the reporting period and you took actions consistent with your startup, shutdown, and malfunction plan, the compliance report must include the information in § 63.10(d)(5)(i).</p> <p>The information in § 63.10(d)(5)(ii) .....</p>	<p>Semiannually according to the requirements in § 63.8693(b).</p> <p>Semiannually according to the requirements in § 63.8693(b).</p> <p>By fax or telephone within 2 working days after starting actions inconsistent with the plan followed by a letter within 7 working days after the end of the event unless you have made alternative arrangements with the permitting authority.</p>
6. An immediate startup, shutdown, and malfunction report if you have a startup, shutdown, or malfunction during the reporting period and actions taken were not consistent with your startup, shutdown, and malfunction plan.		

TABLE 7 TO SUBPART LLLLL OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART LLLLL

Citation	Subject	Brief description	Applies to subpart LLLLL
§ 63.1 .....	Applicability .....	Initial Applicability Determination; Applicability After Standard Established; Permit Requirements; Extensions, Notifications.	Yes.
§ 63.2 .....	Definitions .....	Definitions for part 63 standards .....	Yes.
§ 63.3 .....	Units and Abbreviations .....	Units and abbreviations for part 63 standards.	Yes.
§ 63.4 .....	Prohibited Activities .....	Prohibited Activities; Compliance date; Circumvention, Severability.	Yes.
§ 63.5 .....	Construction/Reconstruction .....	Applicability; applications; approvals ...	Yes.
§ 63.6(a) .....	Applicability .....	GP apply unless compliance extension GP apply to area sources that become major.	Yes.
§ 63.6(b)(1)–(4) .....	Compliance Dates for New and Reconstructed sources.	Standards apply at effective date; 3 years after effective date; upon startup; 10 years after construction or reconstruction commences for section 112(f).	Yes.
§ 63.6(b)(5) .....	Notification .....	Must notify if commenced construction or reconstruction after proposal.	Yes.
§ 63.6(b)(6) .....	[Reserved].		
§ 63.6(b)(7) .....	Compliance Dates for New and Reconstructed Area Sources That Become Major.	Area sources that become major must comply with major source standards immediately upon becoming major, regardless of whether required to comply when they were an area source.	Yes.
§ 63.6(c)(1)–(2) .....	Compliance Dates for Existing Sources.	1. Comply according to date in subpart, which must be no later than 3 years after effective date. 2. For section 112(f) standards, comply within 90 days of effective date unless compliance extension has been granted.	Yes.
§ 63.6(c)(3)–(4) .....	[Reserved].		
§ 63.6(c)(5) .....	Compliance Dates for Existing Area Sources That Become Major.	Area sources that become major must comply with major source standards by date indicated in subpart or by equivalent time period (for example, 3 years).	Yes.
§ 63.6(d) .....	[Reserved].		

Pt. 63, Subpt. LLLLL, Table 7

40 CFR Ch. I (7–1–06 Edition)

Citation	Subject	Brief description	Applies to subpart LLLLL
§ 63.6(e)(1) .....	Operation & Maintenance .....	1. Operate to minimize emissions at all times. 2. Correct malfunctions as soon as practicable. 3. Operation and maintenance requirements independently enforceable; information Administrator will use to determine if operation and maintenance requirements were met.	Yes.
§ 63.6(e)(2) .....	[Reserved].		
§ 63.6(e)(3) .....	Startup, Shutdown, and Malfunction (SSM) Plan (SSMP).	1. Requirement for SSM and startup, shutdown, malfunction plan. 2. Content of SSMP .....	Yes.
§ 63.6(f)(1) .....	Compliance Except During SSM .....	You must comply with emission standards at all times except during SSM.	Yes.
§ 63.6(f)(2)–(3) .....	Methods for Determining Compliance	Compliance based on performance test, operation and maintenance plans, records, inspection.	Yes.
§ 63.6(g)(1)–(3) .....	Alternative Nonopacity Standard .....	Procedures for getting an alternative nonopacity standard.	Yes.
§ 63.6(h) .....	Opacity/Visible Emission (VE) Standards.	Requirements for opacity and VE limits.	Yes.
§ 63.6(h)(1) .....	Compliance with Opacity/VE Standards.	You must comply with opacity/VE emission limitations at all times except during SSM.	Yes.
§ 63.6(h)(2)(i) .....	Determining Compliance with Opacity/VE Standards.	If standard does not state test method, use EPA test method 9, 40 CFR 60, appendix A for opacity and EPA test method 22, 40 CFR 60, appendix A for VE.	No. The test methods for opacity and visible emissions are specified in § 63.8687.
§ 63.6(h)(2)(ii) .....	[Reserved].		
§ 63.6(h)(2)(iii) .....	Using Previous Tests to Demonstrate Compliance with Opacity/VE Standards.	Criteria for when previous opacity/VE testing can be used to show compliance with this rule.	Yes.
§ 63.6(h)(3) .....	[Reserved].		
§ 63.6(h)(4) .....	Notification of Opacity/VE Observation Date.	Must notify Administrator of anticipated date of observation.	Yes.
§ 63.6(h)(5)(i), (iii)–(v) .....	Conducting Opacity/VE Observations	Dates and Schedule for conducting opacity/VE observations.	Yes.
§ 63.6(h)(5)(ii) .....	Opacity Test Duration and Averaging Times.	Must have at least 3 hours of observation with thirty 6-minute averages.	Yes.
§ 63.6(h)(6) .....	Records of Conditions During Opacity/VE Observations.	Must keep records available and allow Administrator to inspect.	Yes.
§ 63.6(h)(7)(i) .....	Report COMS Monitoring Data from Performance Test.	Must submit COMS data with other performance test data.	Yes, if COMS used.
§ 63.6(h)(7)(ii) .....	Using COMS instead of EPA test method 9, 40 CFR 60, appendix A.	Can submit COMS data instead of EPA test method 9, 40 CFR 60, appendix A results even if rule requires EPA test method 9, 40 CFR 60, appendix A, but must notify Administrator before performance test.	Yes, if COMS used.
§ 63.6(h)(7)(iii) .....	Averaging time for COMS during performance test.	To determine compliance, must reduce COMS data to 6-minute averages.	Yes, if COMS used.
§ 63.6(h)(7)(iv) .....	COMS requirements .....	Owner/operator must demonstrate that COMS performance evaluations are conducted according to § 63.8(e), COMS are properly maintained and operated according to § 63.8(c) and data quality as § 63.8(d).	Yes, if COMS used.
§ 63.6(h)(7)(v) .....	Determining Compliance with Opacity/VE Standards.	COMS is probative but not conclusive evidence of compliance with opacity standard, even if EPA test method 9, 40 CFR 60, appendix A observation shows otherwise. Requirements for COMS to be probative evidence, proper maintenance, meeting PS 1, and data have not been altered.	Yes, if COMS used.

Environmental Protection Agency

Pt. 63, Subpt. LLLL, Table 7

Citation	Subject	Brief description	Applies to subpart LLLL
§ 63.6(h)(8) .....	Determining Compliance with Opacity/VE Standards.	Administrator will use all COMS, EPA test method 9, 40 CFR 60, appendix A, and EPA test method 22, 40 CFR 60, appendix A results, as well as information about operation and maintenance to determine compliance.	Yes.
§ 63.6(h)(9) .....	Adjusted Opacity Standard .....	Procedures for Administrator to adjust an opacity standard.	Yes.
§ 63.6(i) .....	Compliance Extension .....	Procedures and criteria for Administrator to grant compliance extension.	Yes.
§ 63.6(j) .....	Presidential Compliance Exemption ...	President may exempt source category from requirement to comply with rule.	Yes.
§ 63.7(a)(1)–(2) .....	Performance Test Dates .....	Dates for conducting initial performance testing and other compliance demonstrations. Must conduct 180 days after first subject to rule.	Yes.
§ 63.7(a)(3) .....	Section 114 Authority .....	Administrator may require a performance test under CAA section 114 at any time.	Yes.
§ 63.7(b)(1) .....	Notification of Performance Test .....	Must notify Administrator 60 days before the test.	Yes.
§ 63.7(b)(2) .....	Notification of Rescheduling .....	If rescheduling a performance test is necessary, must notify Administrator 5 days before scheduled date of rescheduled date.	Yes.
§ 63.7(c) .....	Quality Assurance/Test Plan .....	1. Requirement to submit site-specific test plan 60 days before the test or on date Administrator agrees with: 2. Test plan approval procedures ..... 3. Performance audit requirements ..... 4. Internal and external QA procedures for testing.	Yes.
§ 63.7(d) .....	Testing Facilities .....	Requirements for testing facilities	Yes.
§ 63.7(e)(1) .....	Conditions for Conducting Performance Tests.	1. Performance tests must be conducted under representative conditions. Cannot conduct performance tests during SSM. 2. Not a violation to exceed standard during SSM.	Yes.
§ 63.7(e)(2) .....	Conditions for Conducting Performance Tests.	Must conduct according to rule and EPA test methods unless Administrator approves alternative.	Yes.
§ 63.7(e)(3) .....	Test Run Duration .....	1. Must have three test runs of at least 1 hour each. 2. Compliance is based on arithmetic mean of three runs. 3. Conditions when data from an additional test run can be used.	Yes.
§ 63.7(f) .....	Alternative Test Method .....	Procedures by which Administrator can grant approval to use an alternative test method.	Yes.
§ 63.7(g) .....	Performance Test Data Analysis .....	1. Must include raw data in performance test report. 2. Must submit performance test data 60 days after end of test with the Notification of Compliance Status. 3. Keep data for 5 years .....	Yes.
§ 63.7(h) .....	Waiver of Tests .....	Procedures for Administrator to waive performance test.	Yes.
§ 63.8(a)(1) .....	Applicability of Monitoring Requirements.	Subject to all monitoring requirements in standard.	Yes.
§ 63.8(a)(2) .....	Performance Specifications .....	Performance Specifications in appendix B of part 60 apply.	Yes, if CEMS used.
§ 63.8(a)(3) .....	[Reserved]		
§ 63.8(a)(4) .....	Monitoring with Flares .....	Unless your rule says otherwise, the requirements for flares in § 63.11 apply.	Yes.
§ 63.8(b)(1) .....	Monitoring .....	Must conduct monitoring according to standard unless Administrator approves alternative.	Yes.

**Pt. 63, Subpt. LLLLL, Table 7**

**40 CFR Ch. I (7–1–06 Edition)**

Citation	Subject	Brief description	Applies to subpart LLLLL
§ 63.8(b) (2)–(3) .....	Multiple Effluents and Multiple Monitoring Systems.	1. Specific requirements for installing monitoring systems. 2. Must install on each effluent before it is combined and before it is released to the atmosphere unless Administrator approves otherwise. 3. If more than one monitoring system on an emission point, must report all monitoring system results, unless one monitoring system is a backup.	Yes.
§ 63.8(c)(1) .....	Monitoring System Operation and Maintenance.	Maintain monitoring system in a manner consistent with good air pollution control practices.	Yes.
§ 63.8(c)(1)(i) .....	Routine and predictable CMS malfunction.	1. Keep parts for routine repairs readily available. 2. Reporting requirements for CMS malfunction when action is described in SSM plan.	Yes.
§ 63.8(c)(1)(ii) .....	CMS malfunction not in SSP plan .....	Reporting requirements for CMS malfunction when action is not described in SSM plan.	Yes.
§ 63.8(c)(1)(iii) .....	Compliance with Operation and Maintenance Requirements.	1. How Administrator determines if source complying with operation and maintenance requirements. 2. Review of source O&M procedures, records, manufacturer's instructions, recommendations, and inspection of monitoring system.	Yes.
§ 63.8(c)(2)–(3) .....	Monitoring System Installation .....	1. Must install to get representative emission and parameter measurements. 2. Must verify operational status before or at performance test.	Yes.
§ 63.8(c)(4) .....	CMS Requirements .....	CMS must be operating except during breakdown, out-of-control, repair, maintenance, and high-level calibration drifts.	No; § 63.8690 specifies the CMS requirements.
§ 63.8(c)(4)(i)–(ii) .....	CMS Requirements .....	1. COMS must have a minimum of one cycle of sampling and analysis for each successive 10-second period and one cycle of data recording for each successive 6-minute period. 2. CEMS must have a minimum of one cycle of operation for each successive 15-minute period.	Yes, if COMS used.
§ 63.8(c)(5) .....	COMS Minimum Procedures .....	COMS minimum procedures	Yes.
§ 63.8(c)(6) .....	CMS Requirements .....	Zero and High level calibration check requirements.	No; § 63.8688 specifies the CMS requirements.
§ 63.8(c)(7)–(8) .....	CMS Requirements .....	Out-of-control periods, including reporting.	Yes.
§ 63.8(d) .....	CMS Quality Control .....	1. Requirements for CMS quality control, including calibration, etc. 2. Must keep quality control plan on record for the life of the affected source. 3. Keep old versions for 5 years after revisions.	No; § 63.8688 specifies the CMS requirements.
§ 63.8(e) .....	CMS Performance Evaluation .....	Notification, performance evaluation test plan, reports.	No; § 63.8688 specifies the CMS requirements.
§ 63.8(f)(1)–(5) .....	Alternative Monitoring Method .....	Procedures for Administrator to approve alternative monitoring.	Yes.
§ 63.8(f)(6) .....	Alternative to Relative Accuracy Test ..	Procedures for Administrator to approve alternative relative accuracy tests for CEMS.	Yes, if CEMS used.
§ 63.8(g)(1)–(4) .....	Data Reduction .....	1. COMS 6-minute averages calculated over at least 36 evenly spaced data points. 2. CEMS 1-hour averages computed over at least 4 equally spaced data points.	Yes, if CEMS or COMS used.

Environmental Protection Agency

Pt. 63, Subpt. LLLL, Table 7

Citation	Subject	Brief description	Applies to subpart LLLL
§ 63.8(g)(5) .....	Data Reduction .....	Data that cannot be used in computing averages for CMS.	No; § 63.8690 specifies the CMS requirements.
§ 63.9(a) .....	Notification Requirements .....	Applicability and State Delegation	Yes.
§ 63.9(b)(1)–(5) .....	Initial Notifications .....	1. Submit notification 120 days after effective date. 2. Notification of intent to construct/reconstruct; notification of commencement of construct/reconstruct; notification of startup. 3. Contents of each	Yes.
§ 63.9(c) .....	Request for Compliance Extension .....	Can request if cannot comply by date or if installed Best Achievable Control Technology (BACT)/Lowest Achievable Emission Rate (LAER).	Yes.
§ 63.9(d) .....	Notification of Special Compliance Requirements for New Source.	For sources that commence construction between proposal and promulgation and want to comply 3 years after effective date.	Yes.
§ 63.9(e) .....	Notification of Performance Test .....	Notify Administrator 60 days prior	Yes.
§ 63.9(f) .....	Notification of VE/Opaity Test .....	Notify Administrator 30 days prior	Yes.
§ 63.9(g) .....	Additional Notifications When Using CMS.	1. Notification of performance evaluation. 2. Notification using COMS data 3. Notification that the criterion for use of alternative to relative accuracy testing was exceeded.	No; § 63.8692 specifies the CMS notification requirements.
§ 63.9(h)(1)–(6) .....	Notification of Compliance Status .....	1. Contents. 2. Due 60 days after end of performance test or other compliance demonstration, except for opacity/VE, which are due 30 days after. 3. When to submit to Federal vs. State authority.	Yes.
§ 63.9(i) .....	Adjustment of Submittal Deadlines .....	Procedures for Administrator to approve change in dates when notifications must be submitted.	Yes.
§ 63.9(j) .....	Change in Previous Information .....	Must submit within 15 days after the change.	Yes.
§ 63.10(a) .....	Recordkeeping/Reporting .....	1. Applies to all, unless compliance extension. 2. When to submit to Federal vs. State authority. 3. Procedures for owners of more than 1 source.	Yes.
§ 63.10(b)(1) .....	Recordkeeping/Reporting .....	1. General Requirements .....	Yes.
§ 63.10(b)(2)(i)–(v) .....	Records related to Startup, Shutdown, and Malfunction.	2. Keep all records readily available. ... 3. Keep for 5 years .....	Yes.
§ 63.10(b)(2)(vi) and (x–xi).	CMS Records .....	1. Occurrence of each of operation (process equipment). 2. Occurrence of each malfunction of air pollution equipment. 3. Maintenance on air pollution control equipment. 4. Actions during startup, shutdown, and malfunction.	Yes.
§ 63.10(b)(2)(vii)–(ix)	Records .....	1. Malfunctions, inoperative, out-of-control. 2. Calibration checks .....	Yes.
§ 63.10(b)(2)(xii) .....	Records .....	3. Adjustments, maintenance .....	Yes.
§ 63.10(b)(2)(xiii) .....	Records .....	1. Measurements to demonstrate compliance with emission limitations. 2. Performance test, performance evaluation, and visible emission observation results. 3. Measurements to determine conditions of performance tests and performance evaluations.	Yes.
		Records when under waiver .....	Yes.
		Records when using alternative to relative accuracy test.	Yes.

Pt. 63, Subpt. LLLLL, Table 7

40 CFR Ch. I (7–1–06 Edition)

Citation	Subject	Brief description	Applies to subpart LLLLL
§ 63.10(b)(2)(xiv) .....	Records .....	All documentation supporting Initial Notification and Notification of Compliance Status.	Yes.
§ 63.10(b)(3) .....	Records .....	Applicability determinations .....	Yes.
§ 63.10(c)(1)–(6), (9)–(15).	Records .....	Additional records for CMS .....	No; § 63.8694 specifies the CMS recordkeeping requirements.
§ 63.10(c)(7)–(8) .....	Records .....	Records of excess emissions and parameter monitoring exceedances for CMS.	No; § 63.8694 specifies the CMS recordkeeping requirements.
§ 63.10(d)(1) .....	General Reporting Requirements .....	Requirement to report .....	Yes.
§ 63.10(d)(2) .....	Report of Performance Test Results ...	When to submit to Federal or State authority.	Yes.
§ 63.10(d)(3) .....	Reporting Opacity or VE Observations	What to report and when .....	Yes.
§ 63.10(d)(4) .....	Progress Reports .....	Must submit progress reports on schedule if under compliance extension.	Yes.
§ 63.10(d)(5) .....	Startup, Shutdown, and Malfunction Reports.	Contents and submission .....	Yes.
§ 63.10(e)(1), (2) .....	Additional CMS Reports .....	1. Must report results for each CEM on a unit. 2. Written copy of performance evaluation. 3. Three copies of COMS performance evaluation.	Yes.
§ 63.10(e)(3) .....	Reports .....	Excess emission reports .....	No; § 63.8693 specifies the reporting requirements.
§ 63.10(e)(3)(i)–(iii) ....	Reports .....	Schedule for reporting excess emissions and parameter monitor exceedances (now defined as deviations).	No; § 63.8693 specifies the reporting requirements.
§ 63.10(e)(3)(iv)–(v) ...	Excess Emissions Reports .....	1. Requirement to revert to the frequency specified in the relevant standard if there is an excess emissions and parameter monitor exceedances (now defined as deviations). 2. Provision to request semiannual reporting after compliance for one year. 3. Submit report by 30th day following end of quarter or calendar half. 4. If there has not been an exceedance or excess emission (now defined as deviations), report content is a statement that there have been no deviations.	No; § 63.8693 specifies the reporting requirements.
§ 63.10(e)(3)(iv)–(v) ...	Excess Emissions Reports .....	Must submit report containing all of the information in § 63.10(c)(5)(13), § 63.8(c)(7)–(8).	No; § 63.8693 specifies the reporting requirements.
§ 63.10(e)(3)(vi)–(viii)	Excess Emissions Report and Summary Report.	1. Requirements for reporting excess emissions for CMS (now called deviations). 2. Requires all of the information in § 63.10(c)(5)(13), § 63.8(c)(7)–(8).	No; § 63.8693 specifies the reporting requirements.
§ 63.10(e)(4) .....	Reporting COMS data .....	Must submit COMS data with performance test data.	Yes, if COMS used.
§ 63.10(f) .....	Waiver for Recordkeeping/Reporting ...	Procedures for Administrator to waive	Yes.
§ 63.11 .....	Flares .....	Requirements for flares .....	Yes.
§ 63.12 .....	Delegation .....	State authority to enforce standards ...	Yes.
§ 63.13 .....	Addresses .....	Addresses where reports, notifications, and requests are sent.	Yes.
§ 63.14 .....	Incorporation by Reference .....	Test methods incorporated by reference.	Yes.
§ 63.15 .....	Availability of Information .....	Public and confidential information .....	Yes.

## Environmental Protection Agency

## § 63.8784

[68 FR 24577, May 7, 2003, as amended at 71 FR 20469, Apr. 20, 2006]

### Subpart MMMMM—National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations

SOURCE: 68 FR 18070, Apr. 14, 2003, unless otherwise noted.

#### WHAT THIS SUBPART COVERS

#### § 63.8780 What is the purpose of this subpart?

This subpart establishes national emission standards for hazardous air pollutants (NESHAP) emitted from flexible polyurethane foam fabrication operations. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission standards.

#### § 63.8782 Am I subject to this subpart?

(a) You are subject to this subpart if you own or operate a flexible polyurethane foam fabrication plant site that operates a flame lamination affected source, as defined at § 63.8784(b)(2), and that is located at, or is part of a major emission source of hazardous air pollutants (HAP) or that operates a loop slitter affected source, as defined at § 63.8784(b)(1), that meets the criteria in paragraphs (a)(1) and (2) of this section.

(1) The loop slitter affected source uses one or more HAP-based adhesives at any time on or after April 14, 2003.

(2) The loop slitter affected source is located at or is part of a major source of HAP.

(b) A flexible polyurethane foam fabrication plant site is a plant site where pieces of flexible polyurethane foam are bonded together or to other substrates using HAP-based adhesives or flame lamination.

(c) A major source of HAP is a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons or more per year or any combination of HAP at a rate of 25 tons or more per year.

(d) This subpart does not apply to the following processes in paragraphs (d)(1) and (2) of this section:

(1) Processes that produce flexible polyurethane or rebond foam as defined in subpart III of this part.

(2) A research and development facility, as defined in section 112(c)(7) of the Clean Air Act (CAA).

#### § 63.8784 What parts of my plant does this subpart cover?

(a) This subpart applies to each existing, new, or reconstructed affected source at facilities engaged in flexible polyurethane foam fabrication.

(b) The affected sources are defined in this section in paragraphs (b)(1) and (2) of this section.

(1) The loop slitter adhesive use affected source is the collection of all loop slitters and associated adhesive application equipment used to apply HAP-based adhesives to bond foam to foam at a flexible polyurethane foam fabrication plant site.

(2) The flame lamination affected source is the collection of all flame lamination lines associated with the flame lamination of foam to any substrate at a flexible polyurethane foam fabrication plant site.

(c)(1) A new affected source is one that commences construction after August 8, 2001 and meets the applicability criteria of § 63.8782 at the time construction commences.

(2) If you add one or more flame lamination lines at a plant site where flame lamination lines already exist, the added line(s) shall be a new affected source and meet new source requirements if the added line(s) has the potential to emit 10 tons per year or more of any HAP or 25 tons or more per year of any combination of HAP.

(d) A reconstructed affected source is one that commences reconstruction after August 8, 2001 and meets the criteria for reconstruction as defined in § 63.2.

(e) For each new or reconstructed flame lamination affected source, you must develop a written startup, shutdown, and malfunction plan according to the provisions in § 63.6(e)(3).

[68 FR 18070, Apr. 14, 2003, as amended at 71 FR 20470, Apr. 20, 2006]